IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 7337 of 1995

Between:

Shaik Ghouse Moihiuddin S/o Moula Saheb
R/o Nellore Town, Nellore Dist.

..... PETITIONER

AND

1 The District Collector
Nellore Dist., Nellore
2 The Mandal Revenue Officer
Nellore (M), Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction one in the nature of writ of Mandamus declaring the notice of the 2nd respondent in proceedings No.Rc.B.353/95 dt: 7-3-1995 as illegal and without jurisdiction and consequently direct the respondent not to dispossess the petitioner from Ac.3.88 cents of dry land comprised in Survey No.551 of Gudipalliadu (V), Nellore (M), Nellore Dist.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:-

Heard the learned counsel for the petitioner.

Nobody appears for the respondents. No counter has been filed. Therefore, the assertions made in the affidavit filed in support of the writ petition have to be taken as true. The petitioner moved an application before the Government and the Government had issued a Memo No. 3064/L2/87-2 dated 21-08-1987, which is reproduced hereunder:

> *"Sub: Nellore District – Land – Gudipallipadu – S.No. 551 – Extent Ac. 3.88 – Eviction of petitioner – Stayed – Report called for.*

Ref:- From Sri Shaik Gouse Mohiddin, Petitioner Dt. Nil.

> *A copy of the petition cited is sent herewith to the Collector, Nellore and he is requested to send a detailed report in the matter immediately through the Commissioner of Land Revenue with an advance copy to the Government direct.*

In the meanwhile, eviction of the petitioner is stayed.

M. Lakshimarayana Murthy,

Asst. Secretary to Government.

To

The Collector, Nellore.

Copy to Commissioner of Land Revenue, A.P., Hyderabad."

The grievance of the petitioner is that inspite of the order passed by the Government staying the eviction and inspite of the fact that the Government was seized of the matter, the Mandal Revenue Officer, Nellore passed the impugned order asking the petitioner to show cause why he should not be summarily evicted from the lands. According to the petitioner, the Government has not decided the matter and he has not been communicated with any order so far.

In these circumstances, I quash the order of the Mandal Revenue Officer, Nellore dated 07-03-1995 and direct the Government to decide the matter, pending before it, expeditiously after notice to the petitioner.

The writ petition is, accordingly, allowed. No costs.

BILAL NAZKI, J

Dt.23-09-2004

Pvks/*

The Rule nisi has been made absolute, as above.

Witness the Hon’ble Sri Devinder Gupta, the Chief Justice on this the Thursday the twenty third day of September, 2004.

To

1 The District Collector
Nellore Dist., Nellore
2 The Mandal Revenue Officer
Nellore (M), Nellore Dist.

3.2CCs to the Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT).

4.2CD copies

*Form-NIC-OGS/WP{**LOBIS**}*